and the data processing apparatus being able to communicate with another device through a network without using the interface, said method comprising:

an instruction reception step of receiving an instruction from the host computer through the interface; and

a notification step of notifying the host computer of information about a model type and a model version of the data processing apparatus in accordance with the instruction received in said instruction reception step through the interface.

## REMARKS

This application has been reviewed in light of the Office Action dated August 15, 2001. Claims 25-31 are pending, with Claims 25 and 29, the only independent claims in this application, having been amended to define more clearly what Applicant regards as his invention. Favorable reconsideration is requested.

The Office Action rejected Claims 25-28 under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 4,964,154 (Shimotono). Claims 29-31 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,048,078 (Satomi et al.). Applicant submits that independent Claims 25 and 29, together with the claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

The aspect of the present invention set forth in Claim 25 is directed to a method of controlling a data communication apparatus in a data processing system that includes the data communication apparatus and a host computer connected to the data communication

apparatus by an interface. The method includes a communication step, a notification step, and a setting step.

In the communication step, protocol information and document information are communicated with a communication partner through a network. In the notification step, the host computer is notified of information regarding the communication partner, based on the protocol information received in the communication step through the interface. In the setting step, one of an on-line mode, to be operated based on a command from the host computer, and an off-line mode, to be operated even without a command from the host computer, is set. The notification step notifies the host computer of the information in a case where the on-line mode is set in the setting step.

One important feature of Claim 25 is that the method sets either an on-line mode or an off-line mode. When the on-line mode is set, operation is based on a command from the host computer; when the off-line mode is set, operation occurs in the absence of such a command. Also, when the on-line mode is set, the host computer is notified of information regarding the communication partner, based on the protocol information received through the interface in the communication step. By virtue of this feature, the data communication apparatus is able to notify the host computer of the information only when necessary.

Shimotono, as understood by Applicant, relates to a communication adapter device for connecting a facsimile apparatus with a computer. Apparently, Shimotono teaches that it is preliminarily set, in a computer 3, whether a local-side facsimile device 1 responds or the computer 3 responds when a telephone call is received. (See column 6, lines 53-58.)

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Therefore, because the computer 3 determines the procedure to follow when a telephone call is received, the computer 3 is required in all cases.

Nothing has been found in Shimotono that is believed to teach or suggest a method of controlling a data communication apparatus that includes "a notification step of notifying the host computer of information regarding the communication partner based on the protocol information received in said communication step through the interface; and a setting step of setting one of an on-line mode, to be operated based on a command from the host computer, and an off-line mode, to be operated even without a command from the host computer, wherein said notification step notifies the host computer of the information in a case where the on-line mode is set in said setting step," as recited in Claim 25. In contrast to Shimotono, which evidently requires the use of the computer 3 for all incoming telephone calls, as discussed above, the method of Claim 25 makes it possible to set an on-line mode or an off-line mode in the data communication apparatus. Therefore, by selecting whether or not to notify the host computer, in accordance with the set mode, a load on the host computer can be decreased.

Applicant submits that one of ordinary skill in the relevant art would not include the above-described feature of Claim 25 in the Shimotono device, because the Shimotono device could not operate without the computer 3 and, thus, the Shimotono device cannot be set in an "off-line mode, to be operated even without a command from the host computer," as claimed in Claim 25. Accordingly, Applicant submits that Claim 25 is patentable over the cited art, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

The aspect of the present invention set forth in Claim 29 is directed to a

method of controlling a data processing apparatus in a data processing system that includes the data processing apparatus and a host computer connected to the host computer through an interface. The data processing apparatus is able to communicate with another device through a network without using the interface.

The method includes an instruction reception step and a notification step. In the instruction reception step, an instruction is received from the host computer through the interface. In the notification step, the host computer is notified of information about a model type and a model version of the data processing apparatus, in accordance with the instruction received in the instruction reception step through the interface.

One important feature of Claim 29 is that the data processing apparatus is connected to the host computer through the interface, that the data processing apparatus can communicate with another device through the network without using the interface. That is, the instruction reception step and the notification step take place through the interface, while communication with another device takes place via the network and not via the interface.

Satomi et al., as understood by Applicant, relates to a communication system for communication between a facsimile apparatus and a host computer via a telephone line. Nothing has been found in Satomi et al. that is believed to teach or suggest a method of controlling a data processing apparatus that includes "a notification step of notifying the host computer of information about a model type and a model version of the data processing apparatus in accordance with the instruction received in said instruction reception step through the interface," as recited in Claim 29.

The Office Action cites the CED, NSF, CSI, and DIS signals of Fig. 4; column 2, line 44, to column 3, line 4; and column 4, lines 18-68 as disclosing the claimed notification step. Applicant submits, however, that the CED, NSF, CSI, and DIS signals correspond to a called exchange station identification signal (CED), a non-standard function identification signal (NSF), a called exchange station identification signal (CSI), and a digital identification signal (DIS). The NSF, CSI, and DIS signals are "sent at a *constant interval*." (Emphasis added. See column 4, lines 60-63.) That is, no suggestion has been found in Satomi et al. to receive an instruction from a host computer via an interface and, in accordance with the instruction, notifying the host computer of model information of a data processing apparatus, as claimed in Claim 29. Instead, signals are sent at regular intervals, as discussed above. Accordingly, Applicant submits that Claim 29 is patentable over the cited art, and respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(e).

The other rejected claims in this application depend from one or the other of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,
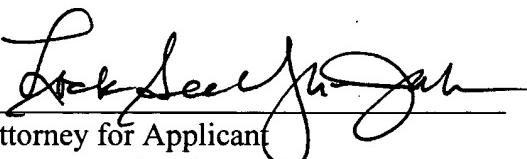
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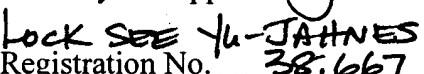
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25. (Amended)  A method of controlling a data communication apparatus in a data

processing system [having] that includes the data communication apparatus and a host computer

connected to the data communication apparatus by an interface, said method comprising:

a communication step of communicating protocol information and document

information with a communication partner through a network; [and ]

a notification step of notifying the host computer of information regarding the

communication partner based on the protocol information received in said communication step

through the interface; and

a setting step of setting one of an on-line mode, to be operated based on a

command from the host computer, and an off-line mode, to be operated even without a command

from the host computer,

wherein said notification step notifies the host computer of the information in a

case where the on-line mode is set in said setting step.

29. (Amended)  A method of controlling a data processing apparatus in a data

processing system [having] that includes the data processing apparatus and a host computer, the

data processing apparatus and the host computer being connected to each other through an

interface, and the data processing apparatus being able to communicate with another device

through a network without using the interface, said method comprising:

an instruction reception step of receiving an instruction from the host computer

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through the interface; and

a notification step of notifying the host computer of information about a model

type and [the] a model version of [said] the data processing apparatus in accordance with the

instruction received in said instruction reception step through the interface.

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